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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,858	12/28/2001	Mietek T. Glinkowski	ABMS-0151/B990140	2801

7590 06/30/2003

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[REDACTED] EXAMINER

DONOVAN, LINCOLN D

ART UNIT	PAPER NUMBER
	2832

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>10/040,858</b>	Applicant(s) <b>Glinkowski</b>
Examiner <b>Lincoln Donovan</b>	Art Unit <b>2832</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Apr 10, 2003

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 1-23 is/are pending in the application.

4a) Of the above, claim(s) 9, 11, and 19-23 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-8, 10, and 12-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3

6)  Other:

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## **DETAILED ACTION**

### *Election/Restriction*

1. Claims 9, 11 and 19-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected claimed species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.
2. Applicant's election with traverse of the restriction in Paper No. 8 is acknowledged. The traversal is on the ground(s) that figures 1-2 should be included in the first embodiment. This is persuasive.

The requirement is still deemed proper and is therefore made FINAL.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8, 10 and 12-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 3, applicant should clarify what is intended by "the magnetic materials being arranged within the contact." In line 2, applicant stated that the contact comprises a combination of conductive and magnetic materials.

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Regarding claim 3, line 3, applicant should clarify what is intended by “near the outer edge.” In line 4, applicant should clarify what is intended by “towards a zero value.”

Regarding claim 14, applicant should clarify the contact combination and structure.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8, 10 and 12-18, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. [US 6,376,791].

Watanabe et al. disclose an interrupter assembly stem mounted contact assembly having a center and an outer edge formed of a plurality of assembly portions/materials wherein the magnetic field produced in the contact has substantially constant strength from the contact center to the contact edge [column 12, lines 37-65].

Watanabe et al. disclose the instant claimed invention except for the contact assembly being specifically used in an interrupter assembly.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the high voltage contact design of Watanabe et al. in an interrupter assembly in order to control arcing.

Watanabe et al. disclose an arrangement of the conductive/magnetic portions of the magnetic contact arranged such that the magnetic field strength increases from the center to the outer edge.

7. Claims 4-8, 10 and 14-18, as best able to be understood in view of the rejections under 35 U.S.C. 112, second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. as applied to claim 1 above, and further in view of Okutomi et al. [US 6,080,952].

Watanabe et al. disclose the instant claimed invention except for specific types of materials used for the contact assembly.

Okutomi et al. discloses the use of materials having high magnetic permeability and saturation [column 6, lines 1-7].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use materials having specific magnetic permeabilities and saturations in order to provide the desired breaking characteristics and flux control.

Watanabe et al. discloses the contacts being round in shape.

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*Conclusion*

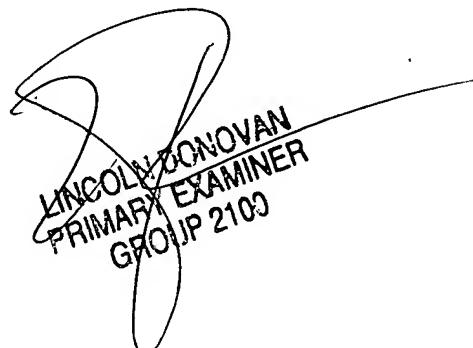
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LLD

June 24, 2003



A handwritten signature in black ink, appearing to read "LINCOLN DONOVAN" followed by "PRIMARY EXAMINER" and "GROUP 2103". The signature is written diagonally across the page.